

P104-065 Chancery Causes: Patton Smith & vs. Martha B. Carmichael &c
Lee Co.

Burgan, Wheeler, Pennington, Morgan, Skidmore, Green,
Noe, Bolin, Fleenor, Burdy, Smyth, Graham

2 Plats

CA - Estate Dispute
T - Property

To the Hon. H. A. W. Skeen, judge of the Circuit Court for Lee County:-

Humbly complaining, your orators, Patton Smyth, Charles M. Burgin, Andrew P. Burgin, Auburn P. Burgin, and ^{your} oratrices, Clarinda Smyth, Virginia Wheeler, and Rachael Wheeler, would respectively represent unto your honor, that heretofore, to-wit, on or about the day of 190 , one Mary A. Burgin, (commonly called Polly Burgin) departed this life, intestate, seized and possessed of a certain tract or parcel of land, lying and being in Lee County, Virginia, in the Pocket country, on the head waters of Stone creek, and said to contain 285 acres and being ^{one of} the tracts of land assigned to her out of the estate of her father David Pennington in the chancery cause of Wm. Pennington vs. E. M. Pennington et als, and also an undivided one-seventh interest in ^{real} the estate of her sister, Patsey Graham, who also died on or about the day of 189 intestate, and without any children of her own to inherit her estate; that said one-seventh undivided interest is in a tract of some 285 acres lying and being in Lee C^Ounty, on the head waters of Stone Creek, in the Pocket country, and is that tract which was assigned to the said Patsey out of the estate of her father David Pennington in the said suit above mentioned.

Your orators and oratrices will further show and allege, that the said Mary A. Burgin left as her heirs one son, David Burgin, and two sets of grand-children, to-wit: John S. Burgin Jr., Chas. M. Burgin, Andrew P. Burgin, Auburn P. Burgin, Reese Burgin, Elijah W. Burgin, Lily Burgin, and Ida Burgin, who were children of John F. Burgin, ^{deceased} a son of the said Mary Burgin; and, Virginia Wheeler, Martha B. Carmichael, Rachael Wheeler, Cleveland Burgin and Elbert Burgin, who were children of Edward M. Burgin, ^{deceased} a son of the said Mary A. Burgin; and that said Reese, Elijah W., Lily, Ida, Cleveland and Elbert Burgin are all infants under 21 years of age.

Your Complainants will further show and allege, that since the said Patsey Graham died without issue of her body and intestate her brothers and sisters by the law of this State are her heirs, and her ^{said} real estate aforesaid descended and passed to them at her death; that the following persons were her brothers and sisters, to-wit:

(1). James Pennington, (2), Wm. Pennington, (3), E.M. Pennington, (4), Rebecca Skidmore, (5), Elizabeth Harber, (6), said Mary A. Burgin, and (7), John Pennington; that the said Elizabeth Harber is dead, having died intestate leaving only one child as her ~~heir~~ heir, to-wit, Jane Skidmore; that the said Mary A. Burgin is likewise dead, intestate, leaving as her heirs, the son and grand children aforesaid; and that the said John Pennington is also dead, intestate, leaving ten children as his heirs, to-wit: Jeff Pennington, Charles Pennington, David M. Pennington, Mrs. ⁴Martha Noe, ⁵Nancy Boling, Elizabeth Green, ⁶Rachael Flreenor, ⁷Pally ⁸Bundy, James Pennington and ⁹and Andrew Pennington; that said Andrew Pennington is also dead, ^{intestate} leaving several children as his heirs, but their whereabouts and names, are unknown to your complainants.

Your complainants will further show unto your honor the said David Burgin is now and has been for years before his said mother died an invalid, and was dependent upon his mother during her life for a home and care and support; that since her death to-wit, on the day of 1902, in order to get himself a home, support, and care he conveyed all his estate which he derived from his mother ~~XXXXXXX~~ to your orator and oratrix, the said Patton and Clarinda Smyth, which deed is here filed as a part of this bill, marked "D" and prayed to taken as part of this bill, and ~~are~~ advised that by virtue of the said deed they are entitled to the said David's interest in both of said tracts of land.

Your complainants will further show unto your honor, that the said ~~XXXXXXX~~ tract belonging to the said Patsey Graham at the time of her death, can not be conveniently partitioned among those entitled on account of so many being interested therein, and on account of the said tract being mountainous, woody, uncl~~ear~~ed and infertile, and that a sale thereof will promote the interest of all concerned, and the money derived from such sale divided, -said tract is chiefly valuable for its coal, which it is supposed to carry, and they therefore pray that said Patsey Graham tract be so ordered to be sold in such manner as your honor may prescribe, and the proceeds divided among those entitled

Your complainants will further show and allege, that the said Mary A. Burgin tract of land is capable of being partitioned, and divided into three parts, and one part assigned to the said Patton and Clarinda Smyth, grantees of the said David Burgin, and one part assigned to the heirs, that is, the heirs of said E.M. Burgin and the other part assigned to the ^{said} heirs of the said John F. Burgin.

Your complainants will further show unto your honor, that said Jane Skidmore, Rebecca Skidmore, Martha B. Carmichael, *Rachael* Fleenor and *Polly* Bundy are non-residents of this State, as well as the unknown heirs of Andrew Pennington; and that Reese Burgin, Elijah W. Burgin, Lily Burgin, Ida Burgin, Cleveland Burgin and Elbert Burgin are infants under 21 years of age.

The premises considered, your complainants are advised, that they are entitled ~~xxxxxxx~~ under the laws of this Commonwealth to have the said Patsey Graham tract of land sold and the proceeds divided among those entitled, and the said Mary A. Burgin tract partitioned among those entitled as aforesaid by proper commissioners, and the costs of this suit adjusted as to the court may seem right.

The prayer therefore of your complainants is that the said John S. Burgin, Jr., ~~Virginia~~ Reese Burgin, Elijah W. Burgin, Lily Burgin, Ida Burgin, Martha B. Carmichael, Elbert Burgin, Cleveland Burgin, H.J. Morgan, James Pennington, Sr., James Pennington Jr., E.M. Pennington, Elizabeth Green, Rebecca Skidmore, Jane Skidmore, *Rachael* Fleenor, *Polly* Bundy, Jeff Pennington, Charles Pennington, David M. Pennington, *Nancy* Boling, *Martha* Noe, and the unknown heirs of Andrew Pennington be made parties defendants to this bill of complaint, but they need not answer on oath as that is waived; that an order of publication be made for Martha B. Carmichael, Jane Skidmore, Rebecca Skidmore, the unknown heirs of Andrew Pennington, *Polly* Bundy, and *Rachael* Fleenor; that a guardian ad litem be appointed for Reese Burgin, Elijah W. Burgin, Ida Burgin, Cleveland Burgin, ^{*Lily Burgin*} and Elbert Burgin, to defend their interests herein; that on a final hearing of this cause said Patsey Graham tract of land be ordered to be sold and the proceeds of sale

divided among those entitled; that the costs of this suit be properly decreed among the several parties according to their several interests; that the said Mary A. Burgin tract of land be partitioned among the parties aforesaid, according to their several rights and interests. And that all other further and general relief be awarded your complainants that the nature of their cause may require to comport with the rules of equity and good conscience. And they will ever pray, etc.
May proper process issue, etc.

Pennington Bros. P.Q.

Your complainants will further show here, as they forgot to do so in the proper place in this bill, that the interest of the said Wm. Pennington in the lands of the said Patsey Graham, in the chancery cause of vs, Wm. Pennington et als, was sold be a decree of your honor's court to one H.J. Morgan and he by reason of his purchase, is now the owner of whatever rights the said Wm. Pennington had therein, and that a deed has been made him for such undivided interest by your honor's commissioner, R.L. Pennington.

Pennington Bros. P.Q.

Memorandum 1840. 1.2.

individuals interested by your honor's commission, R.L. Pennington.

Mr. Pennington had therein, and that a check had been made him for each

reason of his purchase, is now the owner of whatever rights the said

hold as a decree of your honor's court to one H.J. Morgan and he is

owner of

as Mr. Pennington of now, has

the name of the said, John Brown, in the capacity

reference to this bill, that the interests of the said

will further show here, as they ought to be

Patterson Smyth et al

vs { Rice Sullivan

Martha B. Learmark

proprietors, etc.

of education and good conscience. And they will ever exist, etc.

that the said, in this case, and nothing to compare with the

and that all other parties, and all other parties, as ordered your commission-

the parties interested, according to their several rights and interests.

case; that the said, A. Burleigh, and of land be benefited and

disposed among the several parties according to their several inter-

divided among those entitled; that the costs of this suit be properly

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of
Lee County, Virginia:

The separate answer of M.G. Ely, Guardian Ad Litem, appointed
to defend, Cleveland Burgan, Elbert Burgan, Reese Burgan
and Elizabeth Burgan, infants under the age of 21 years and defendants
in a certain Chancery cause pending in your honor's Court styled
Patton Smith and others against Martha Carmicle and others.

For answer to said bill said infant defendants by their said,
Guardian ad Litem, answers and says, that being of tender ^{year} — they do
not know their true interests in relation to the subject matter
of said bill, nor do they know whether or not the statements made
in said bill are true or false. And they commit their interests
to the care and protection of the Court and pray that no decree
may be pronounced that will be prejudicial to their interests.

And now having answered fully, these defendants pray to be hence
dismissed with their cost.

Cleveland Burgan

Elbert Burgan

Reese Burgan

Elizabeth Burgan

By M.G. Ely, Guardian Ad Litem.

Virginia, Lee County to wit:

Sworn to before me by M.G. Ely, in my County and State aforesaid,
This 30th day of October, 1902.

A.B. Munsey N.P.

1 Copy
Patton Smith and others
vs. Answer of G. A. Litem
Martha Carmicle and others

Filed October 30th 1902
A. B. Munsey Clerk

G. A. L. Fee \$5.00

Patton Smyth et als. Compls.)

Vs.)

In Chancery.)

Martha B. Carmical, et als. defts.)

This cause came on this day to be further heard upon the papers formerly read therein, and the report of Corm. E. W. Pennington, showing his receipts and disbursements in this cause, and it appearing to the court from said report that said E. W. Pennington received in this cause the sum of \$505.80, and has properly paid out to those entitled the sum of \$498.93; thus leaving a balance of \$6.58 going to the heirs of A. J. Pennington, but who are unknown; and said report being unexcepted to on the motion of said E. W. Pennington, leave is granted him to pay said sum of \$6.58 to the H. C. T. Ewing the clerk of this court, taking his receipt for the same, which sum he will hold and account for according to law; and said sum being paid to the said clerk; and this cause was argued by counsel : On consideration of all which ~~said report and statement therewith~~ and for reasons appearing to the court said report of E. W. Pennington and statement therewith is hereby approved and confirmed. And there appearing nothing further to be done in this cause, it is further adjudged, order and decreed that said E. W. Pennington as said commissioner be and is hereby releaved from further liability on his bond given as such commissioner. And this cause is stricken from the docket.

Patton Symth et als.

Vs. Decree Final.

Martha B. Carmicle et als.

Entered C. B.
No. 7, Page 563

Enter this Dec., 20th, 1904.

H. A. W. Steeg

Sutton Smith et al Compts.

v2.

Martha B. Carmichael et al Defts

} In
Chancery.

This cause came on again
this day to be heard upon the pa-
pers formerly read therein, and the
report of Court. Pennington to
J. B. & M. R. Kirk and was
argued by counsel: On con-
sideration of all which, and said
and deed ^{and deed therewith} ~~report~~
being presented to, it is
adjudged, ordered and decreed
that said report and deed heard
are hereby confirmed. And
said Kirks will pay to said
Pennington the sum of \$5⁰⁰ for
his services in making said
deed. And this cause is
continued

Patten Smith et al

vs } ~~Report~~ ^{Wren}
of
~~Argument~~ ^{Wren}

Martha B. Leamichael

Cent. Ct. B. 7. P. 261

Enter this
March 9th 1903
H. W. Shaw

Patton Smith et al Comptd

vs.

Mary B. Carmichael et al

} In Chan.

This cause came on again this day to be further heard upon the papers formerly read ~~in~~ in this cause, the report of Commr. W. H. Pennington of the sale of the Martha B. Graham tract of land to J. B. Kirk and M. R. Kirk and filed in this cause on January 26th 1903, the report of Commr. H. E. Thompson, A. J. Jackson, M. R. Kirk and Rich- and Kirk of the partition of the Mary A. Burgan tract, filed in this cause on February, 20th 1903, the petition and dis- claimer of Patton and Le- rinda Smiths, and was argued by counsel: On consideration of all which, and said report of partition and assignment of the Burgan tract of land, being excepted, it is adjudged, ordered and decreed that re- port of partition and assign- ment be and the same is hereby confirmed and approved, except

that part of the same which
allots and assigns a portion
of said Burgan Tract, called
in said report as lot "C"; and
it is further adjudged, ordered
and decreed, by reason of
said Petition and disclaimer
of said Patton and Clarinda
Smith in which they state
they have conveyed their in-
terest in said land to David
Burgin, said lot "C" be ~~and~~
is hereby confirmed to said
David Burgin, and that he
take and hold the same in - for
simple fee from all interest
of said Patton and Clarinda
Smith therein, subject, however to
a deed of trust executed on
the same by said David Burgin
to secure the sum of \$98⁰⁰;
that the heirs of E. M. Burgin
jointly take and hold lots "A" and "B"
mentioned in said Commissioners
report in fee simple; and
that the heirs of John H. Burgin
take and hold lot "B" mentioned
in said Commissioners report in
fee simple. And the Clerk of

this court will transmit to the
clerk of the County Court to be
recorded by him in the proper
and book, the order hereto-
fore entered appointing said com-
missioners to partition said land,
their said report and the plat
accompanying the same and a
copy of this order showing
the confirmation of said report
of partition and assignment &
plat therewith.

And it is further ^{that} adjudged, or-
dered and decreed, the said re-
port and sale made by Court.
Edw. Huntington to said J. B. &
M. R. Sinks as the same has
been filed for two days and is not
repeated, be and the same is
hereby confirmed and said Sinks
will take and hold said lands
~~in fee~~ so purchased by them
in fee simple free from the
rights or claims thereto of all
parties defendants to the plain-
tiffs here in this cause; and said
Court. Huntington is hereby au-
thorized to receive ^{and collect} from said
purchasers at any time hereafter

the amount of purchase money yet due from them, which when paid said Pennington will distribute and pay out as follows:

One-seventh of the same to James Pennington; one-seventh to St. J. Morgan; one-seventh to E. M. Pennington; one-seventh to Jane Skidmore, one-seventh to Rebecca Skidmore; one-seventh to the heirs of John Pennington dec'd; and the eighth of the other seventh on the unpaid costs of this suit; and the residue if any of the last named one-seventh to the heirs of Mary A. Buzgier. And when said Shanks shall have paid to said E. M. Pennington the residue of the purchase price of said land, ~~his~~ he, the said E. M. Pennington, who is hereby appointed a com. for the purpose, will make, acknowledge and deliver to said Shanks a deed to the land so purchased by them with covenants of special warranty, which when

done, he will report his action to this court. Said Pennington will report to this court his receipts and disbursements in this cause, paying first all costs, and also report his action in respect to the making of said Sticks and due to said land. Until the ~~which~~ the coming of said reports or either of them this cause is passed to a future time, and shall stand continued in the event of no report or reports within this term.

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50
100
100

360

Patton Smith et al
vs Secre No. 2

Martha B. Carmichael

Ent. COB No 7 P. 224

Enter this

March 4 1908

H. A. Weston

Patton Smyth et als., Complts.

Vs.

In Chancery.

Martha B. Carmichael ^{et al} Defts.

This cause came on this day to be heard upon the bill of the Complainants, and exhibits filed therewith, the answer of Reese Burgin, Elifab W. Burgin, Lily Burgin, Ida Burgin, Cleveland bBurgin, and Elbert Burgin, by *M. S. Eely* their guardian ad litem, and general replication thereto, and was argued by counsel: And it appearing that process has been duly served in this bill upon the adult resident defendants, ~~XXXXXXXXXXXXXXXXXXXX~~ for more than fifteen days before the first day of this term of the court, and that an order of publication has been duly made, published, and posted as the law requires in the case of non-resident defendants, ~~XXXXXX~~ and as to unknown parties interested in suits, to-wit for Jane Skidmore, Rebecca Skidmore, Martha B. Carmichael, *Rachue* Fleenor, *Dally* Bundy and the unknown heirs of Andrew Pennington, decd., ~~XXXXXXXXXX~~ and they failing to appear, on motion of the complainants, said bill is taken for confessed as to them. On consideration whereof the court doth adjudge, order and decree that W.E. Thompson, M.R. Kirk, Richard Kirk, and A.J. Jackson be appointed commissioners, who, or any three of them, shall well and truly allot and assign out of the Mary A. Burgin tract of 285 acres to Patton and Clarinda Smyth a one-third interest in value thereof, and to the heirs of E.M. Burgin, another one-third interest and to the heirs of John F. Burgin the other one-third interest in said Mary A. Burgin tract, whereof she died seised and possessed; and said commissioners in making said partition will have due reference to the quality, quantity and value of said lands with respect to the coal thereon.

And as to the Patsey Graham tract mentioned in said bill, as it appears from the pleadings in this cause that the same cannot be conveniently partitioned, it is therefore adjudged, ordered and decreed, that E.W. Pennington who is hereby appointed a special commissioner for the purpose, will after advertising,

the time, terms and place of sale for thirty days by written or printed notices at the front door of the court house of this county, in the neighborhood of said lands, and at the post office in Pennington Gap, Va., and at such other places as he may deem proper on some court day at the front door of the court house, offer said lands for sale, at public auction to the highest and best bidder, on a credit of one and two years time, except a sum sufficient to pay one-half of the costs of this suit ~~xxxxxxx~~ together with the commissions of sale, he will require to be paid down, and from the purchaser he will take notes payable to himself as such commissioner, with good security, and bearing interest from the date of sale. And he and said Commissioners will report their action to court. And when said sale of said Patsey Graham tract shall have been made by said Commissioner Pennington, and the purchase price therefor paid to him, he will apportion the same and pay the same out to those entitled as shown in the bill ~~of~~ and proceedings of this cause. But said Pennington before proceeding to act under this decree, he will execute before the clerk of this court a bond in a penalty of \$400.00, conditioned to faithfully pay out and account for all monies that may come into his hands as such commissioner. And until the comingⁱⁿ of the report^t of said several commissioners, this cause is continued.

Gattan Smith

no { Decree
No. 1.

Martha B Carmichael

Entered on C.B.

No 157

Recorded in Deed Book
No. 40 page 133 + c.

Examined + Indexed

Entered this

Dec 5th 1902

H. C. W. Thorne

Virginia,

At a circuit court continued and held for Lee County at the court-house thereof on Wednesday the 5th day of November 1902.

Patton Smyth et als Plaintiffs,

vs.

In Chancery

Martha B. Carmichael Defendants.

This cause came on this day #####
#####. It is therefore adjudged ordered
and decreed that W. E. Thompson, M.R. Kirk Richard Kirk and A. J.
Jackson be and are hereby appointed commissioners any three of whom
may act shall well and truly allot and assign out of the Mary A.
Burgin tract of 285 a cres to Patton and Clarinda Smyth a one inter-
-est in value thereof, and to the heirs of E. M. Burgin an other
one third interest and to the heirs of John F. Burgin the other one
third interest in said Mary A. Burgin tract. whereof she died seized
and possessed and said commissioners will have due reference to the
quality, quantity and value of said land with respect to the coal
thereon. And until the coming in of said reports of said several
commissioners this cause is continued.

An Abstract Copy,

Teste: A. B. Minnery Clerk.

Senne this an
W E Thompson
at once.

W. J. M.

J. W. Hall S.
for W. J. Milham S. & C.

Patton Smyth

vs.

Martha B. Carmichael

Filed Feb 20th 1903

A. B. Munsey Clerk

Virginia,

At a circuit court continued and held for Lee County at the court house thereof on Wednesday the 5th day of November 1902.

Patton Smyth et als

Plaintiffs

vs.

In Chancery

Martha B. Carmical et als,

Defendants.

~~This cause commenced this day~~

~~#####~~ It is therefore adjudged ordered and decreed that W. E. Thompson, M.R. Kirk, Richard Kirk and A. J. Jackson be and are hereby appointed Commissioners any three of whom may act shall well and truly allot and assign out of the Mary A. Burgin tract of 285 acres to Patton and Clarinda Smyth a one third interest in value thereof and to the heirs of E. M. Burgin an other one third interest and to the heirs of John F. Burgin the other one third interest in said Mary A. Burgin tract whereof she died seized and possessed, and said Commissioners will have due reference to the quality quantity and value of said lands, with respect to the coal thereon. And until the coming in of said reports of said several Commissioners this cause is continued.

An Abstract Copy,

Teste, A B M Clerk.

Patton Smyth
vs } Copy of decree
Martha B. Carnical

Executed Dec 20th 1902
by delivering copy
of decree to M. R. Kirk
A. J. Jackson and
Richard Kirk.

E. Evans
Deputy for
W. J. Mulholland
S. L. C.

Serve copy on
~~H. C. Thompson~~ ^{W. J. Mulholland}
Albert Kirk
M. R. Kirk
A. J. Jackson.

Virginia,

Lee County, to-wit: -

This day Patton Smyth, personally appeared before me, a

Justice of the peace

in and for the County and State aforesaid, and made oath that Martha B. Carmichael, ~~Harry~~ Belling, Rebecca Skidmore, Jane Skidmore, and the unknown heirs of Andrew J. Pennington, against whom he and others have lately instituted a suit in equity in the Circuit court of the said county of Lee, ^{*of this State*} are non-residents; and that said Andrew J. Pennington's heirs are also unknown to him.

Given under my hand, this the *23rd* day of Sept, 1902.

&&

W. J. Orr J.P.

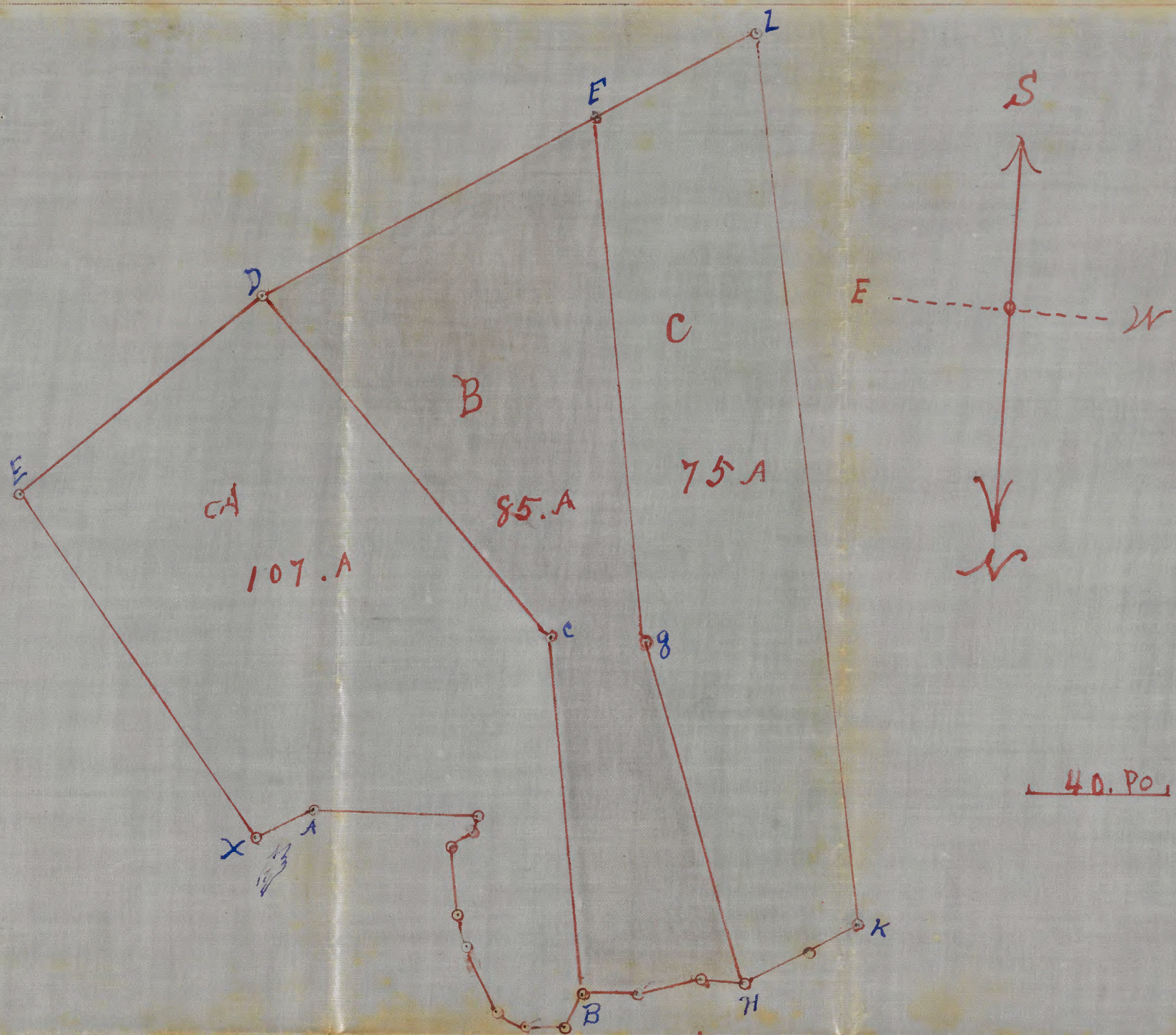
Patton Smith et al
affi for O.P

Martha B. Carmichael et al

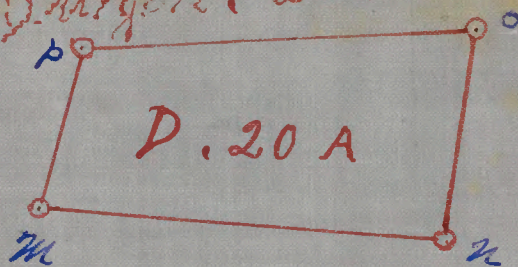
Filed September 24th 1902

A.B. Murreey Clerk

leave to the
Phone as soon
as you get this
and let me
know you have
received -



M. A. Bargin, Lands.

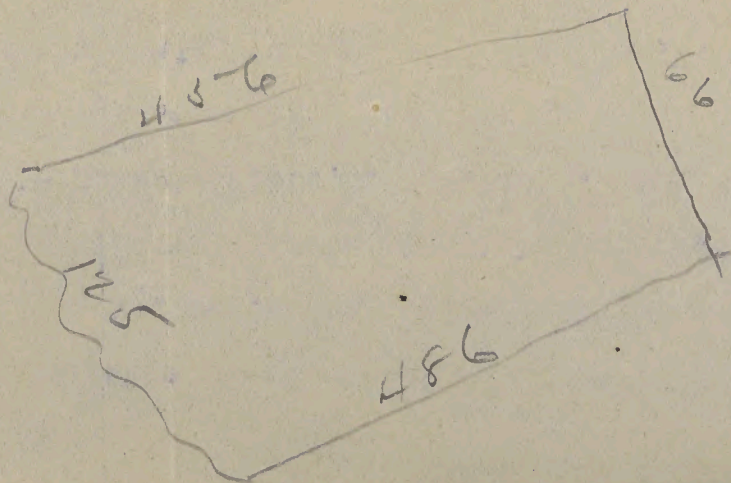


W. E. Thompson, Sur.

1903

Courses of the Martha B. Grham tract of land.

285 87/100 acres ,Lot No. One, Beginning on a flat where two small white-oaks were called for in the title papers, S. 76 W. 66 P. to a stake in Greer's field, S. 3. W. 456 P. to a stake on top of Stone mountain, Eastwardly along the top by the plat 125 poles to James Pennington's line, and with his line, N. 3 1/2 W. 486 P. to the Beginning.



Patton Smith et al

vs.

Martha B. Carmichael et al

In
Chancery

To the Hon. W. A. H. Skene Judge of
the Circuit Court for St. Louis.

Your undersigned, who was
heretofore appointed a special
com. for the purpose of making
J. B. Kirk & M. R. Kirk a deed to the
land bought by them in said
cause, where they had paid for
the same in full, he leaves
to report that the said Kirks
have this day paid your com-
missioner the sum of \$461.20
the amount owing on their
purchase; and your com-
missioner also report that in per-
formance to the order made
in this cause on March 4th
1903, he has made to said
Kirks a deed of special war-
ranty to the land bought by
them known as the Martha
B. Carmichael 285.87 acre tract.
All which is submitted this
March, 9th 1905.

E. H. Pennington
Comr.

Patterson Smith et al

no { Report of
Payment
owed

Martha B. Curran

Filed March 9th 1903

A. B. Munsey Clerk

Patton Smyth et al
v. B.
Martha B. Carmical

} Chancery.

To Honorable H. A. W. Skeen Circuit Court
Judge. of Lee County at your honors Court
held on the 5 day of November 1902 It was
ordered and decreed that W. E. Thompson, A. J. Jackson
M. R. Kirk & Richard Kirk go upon the Lands of
Mary A. Burgin Lay off and assign to Patton,
and Clarindia Smyth one Third interest
in value thereof and to the heirs of E. M. Burgin
another one Third interest, and to the heirs
of John F. Burgin the other one Third

Interest in said Mary A. Burgin Tract,
whereof she died seized and possessed,
said commissioners to have due reference
to the quality and value of said Lands

Your under signed Commissioners beg
leave to report that on - day of January 1903
they did go upon the Lands mentioned
in said Bill and ^{after being duly sworn} make a Survey of the
said Mary A. Burgin Lands on the North
Side of the Stone Mountain in the Pocket
country and Bounded as follows. to wit
Beginning ^{running} at a white oak and Dogwood, near
the Cold Spring as shown on Plat here
with Enclosed at A. N. 89 W. 49 1/4 po to a
water oak and small chestnut on a Ridge
N. 13 E. 6 po to 2 small chestnuts on a point
N. 56 E. 8 po to a small maple thence N. 7 1/2 W.
20 po to a Double Maple. N. 15 1/2 W. 10 po & 10 Links

to a hickory. N. $26\frac{1}{2}$ W 23 po to a chestnut and
dogwood. Corner to E. M. Burgin Land
N. $66\frac{1}{2}$ W. 9 po to a hickory thence West
12 Poles to a hickory. S. 26 W. 10 po to a water
oak. thence West. 16 po & 10 links to a maple
and chestnut S. 76 W. 19 po to a chest oak
N. 84 W. 11 po & 10 links to a small hickory
S. 63 W. 20 po to a chestnut oak. S. 62 W.
16 $\frac{1}{2}$ po to chestnut sprouts on partition
line and with the original line
S. $63\frac{3}{4}$ E. 267 po to chestnut point on top
of the stone mountain then with
the top of said mountain N. 61 E.
164 po to a small pine on a pinnacle
N. 47 E. 100 po to a pine corner to Richard
Kirk Land and with his line N. 35 W. 120 po
to black oak & chestnut.
S. $77\frac{1}{2}$ W 18 po to the Beginning
Containing 2.67 acres Suffolk measure
More or Less. After making a survey and
locating the boundary the said Commission
did lay off and assign Lot A as shown
on Plot to the heirs of E. M. Burgin's line
Bounded as follows. Beginning at a Red oak
on a Ridge as shown on plot at (B.)
S. 5 E. 106 po to chestnut and maple
sprouts on a Ridge S. $39\frac{1}{2}$ E. 130 po to a pine
on a high point of the stone mountain
at D thence with the top of said mountain
N. 47 E. 100 po to a pine original corner.
as shown at E

thence with the Mary calls of the Boundary
Line to the Beginning Containing 107 Acres
more or Less. Also another piece of
Land ^{Shown on Plat D} not adjoining the above Mary, a.
Burgin Tract. Lying north adjoining the
Kirk Lands. and Bounded as follows

Beginning at a Poplar and Dogwood original
Kirk and Day Corner in some Rocks. at M on Plat
N. 82. W. 85 po to a small hickory near a hollow. (N)
S. 15½ W. 44 po to stake in a flat supposed
to be on the E. M. Burgin Line, and with the
same East. 83 po to 2 small Red oaks
near a stump old corner. as shown on plot
at P. N. 18. E. 35 po to the Beginning.

Containing Twenty Acres more or Less.
Lot B as shown on Plat. was assigned
to the heirs John. F. Burgin

Bounded as follows. Beginning on a ridge
at a Red oak corner to Lot A as shown on plot
at B. and with the Lines of said Lot
S. 5. E. 106 po to chestnut and maple sprouts on a ridge
thence. S. 39½ E. 130 po to a pine on a high point
of the Stone Mountain then with the Top of said
Mountain S. 61. W. 110 po to a stake corner to Lot C
as shown on Plot at F. then with the Lines of
Lot C. N. 5. W. 157 po to Maples & Chestnuts. sprouts on
top of a Ridge Shown on Plat at G. N. 15. W. 103 po

To 3 Hickorys on the Boundary Line as shown at H. corner to Lot C. then S. 86. E. 11 po & 10 binds to a chestnut oak N. 76. E. 19 po to maple and 4 chestnut. East 16 po N. 26. E. 16 po and 10 binds to the Beginning

Containing Eighty-five acres more or Less.
Lot C. Was Layed off and assigned to Patten and Clarinda Smyth and Bounded as follows. Beginning at 3 Hickorys on a Ridge corner to Lot B. shown on Plot at H. and with the Lines of said Lot. S. 15. E. 103 po to Maple & chestnut sprouts S. 5. E. 157 po to a stake on top of the Stone Mountain^F then down the top of said mountain S. 61. W. 54 po to chest painters original corner. at L. then with original Line N. 6 ³/₄ W. 267 po Passing coal right-corner at 97 po to Chestnuts. as shown at H. N. 62 E. 16 ¹/₂ po to chestnut oak. N. 63 E. 26 po to the beginning containing Seventy five acres more or Less. The said Commissioners assign to Lot B. The privilege of Hauling out Timber down the Leading hollows over the Lot C. so as to get to a road now going out from the old saw mill site. All of which is respectfully Submitted

W. E. Thompson Surveyor

A. J. Jackson. Comm
 H. B. Kirk "
 Richard Kirk. "

Patten Smyth et al. vs
 Martha B. Carrick et al.

Cost.

W. E. Thompson.	4 days.	\$ 8.00
M. B. Kirk	3 "	6.00
Richard Kirk	3 "	6.00
A. J. Jackson	4 "	8.00
Patten Smyth	3 "	3.00
John Miller	2 1/2 "	2.50
Swamp Diggins	1 1/2 "	1.50
		<u>\$ 35.00</u>

Patton Smith et als. Compltd.

vs

Martha B. Carmichael et als. Defts.

To the Hon. H. A. W. Skeen, Judge of the Circuit court for Lee Co.

Your undersigned commissioner, who was at the Nov. term of your honor's court appointed a special commissioner for the purpose of selling the tract of land mentioned in said cause as the Martha B. Graham tract of land, begs leave to report that after advertising the time, terms and place of sale of said land at the places required by your honor's said decree, on Monday, January, 19th., 1902, (that being a court day) at the front door of the court-house for Lee county, at about the hour of noon of said day, he did in the presence of large crowd of people, offer said ; and for sale at public outcry, and on the terms mentioned in said order of sale; and after considerable and spirited bidding by various parties, that said tract of land was knocked down to Jas. B. Kirk and M. R. Kirk, who were the last and best and highest bidders for the sum of Five Hundred and Two dollars. That said Kirks paid down on their purchases, the sum of \$44.60, which was one half of the taxable costs of said suit, to-wit, \$25.56, and commissions of sale, \$19.04, and they executed their notes or bonds payable to your commissioner, bearing interest from date, and payable in one and two years, and for \$228.70 each with W. T. Kirk as their surety. Your commissioner knows but little about the value of said tract of land, except from hearsay, and some say it sold for a good round price, while others say it did not bring its real worth. So under these circumstances your commissioner recommends the confirmation of this sale to said parties. And said Kirks desire to pay off this purchase money at the next term of this court, and your commissioner recommends that they be allowed to do so, and then receive a deed for the said land.

All which is respectfully submitted, this Jan. 19th., 1902.

E. H. Jennings

Commissioner.

John Smith & al

vs } Report of
Sale

Martha B. Carmichael et al

Filed January the 20th 1903

A. B. Mursey Clerk

Patton Smith et al
 vs.
 Martha B. Carmichael et al
 In app with
 E. M. Pennington Comr.

1903

1 - 19	By amt. from J. R. & M. R. Kirk	44 60
3 - 10	" " " do	461 20
	Total Receipts.	505 80
3 - 13	To attys. for P. S. Pennington Comr	15 00 ✓
	" Coms. retained on \$505.80	19 11 ✓
	" Amt. P. S. A. B. Murray Clerk	11 00 ✓
	" " M. G. Ely G. A. C.	5 00 ✓
	" " Cox & Sprinkle for Q. Pub	6 60 ✓
	" " D. B. Byington D. Sheriff	5 00 ✓
	" " E. S. Evans do	2 50 ✓
	" " J. H. Stale "	50 ✓
	" " B. M. Morgan Clerk	1 00 ✓
	" " A. J. Jackson Comr	8 00 ✓
	" " H. E. Thompson	8 00 ✓
	" " M. R. Kirk	6 00 ✓
	" " Richard Slick	6 00 ✓
	" " Patton Smith	3 00
	" " James Wheeler	2 50 ✓
	" " Simp Burgin	1 50
	" " James Pennington	100 71 65 80 ✓
	" " St. J. Morgan	65 80 ✓
	" " E. M. Pennington	65 80 ✓
	Amts. carried over	298 11 505 80

Paid to St. C. T. Evening
 Dec. 20th 1904. See
 order of court for authority
 to pay the working clerk

Aunts brot over		298	11	505	80
To Aunt-ph. Rebecca Skidmore		65	80	✓	
" " Jane Skidmore		65	80	✓	
" " Jeff Pennington		65	8	✓	
" " David M. Pennington		65	8	✓	
" " Charles Pennington		65	8	✓	
" " James Pennington Jr		65	8	✓	
" " Martha Noe		65	8		
" " Nancy Belling		65	8	✓	
" " Elizabeth Green		65	8	✓	
" " Rachael Fleener		65	8	✓	
" " Polly Bundy		65	8	✓	
" " Wm of A. J. Penning-	498	93			
ton, a son John Pennington					
to wit:					
Emmett Pennington					
Leonard Pennington					
Ethel Pennington		65	7		
Leora Pennington					
Louisa Pennington					
Emma Pennington					
Barda Pennington					
		\$	505	60	505 80

Patterson Smith et al
vs } Statement of
E. H. D. S. -
account

Martha B. Leavitt

Courses of the Marry A. Burgin lands in the Pocket.

Beginning on a spruce pine on the ~~xxx~~ south side of Stone Creek, S. 7 E. 505 P., passing the white-oaks to the top of stone mountain, thence along the top of Stone mountain 227 P. to a large flat rock on top of said mountain; N. 34 W. 121 P., S. 99 $\frac{3}{4}$ W. 143 P. to two birches, N. 12 $\frac{1}{4}$ W. 129 P. to three white oaks, N. 89 $\frac{3}{4}$ E. 143 P. to a chestnut oak marked, N. 27 E. 24 $\frac{1}{2}$ P. to a poplar and chestnut, Ray's corner. N. 44 W. 61 P. to a pine and sourwood, Kirk's corner and with his lines N. 83 W. 106 P. to a poplar and cucumber, N. 71 W. 8 P. to ~~xxx~~ two chestnuts and a hickory, N. 6 E. 9 P. to a small hickory and pointers, N. 13 E. 21 $\frac{1}{2}$ P. to a locust, N. ~~xx~~ 8 E. 8 P. to a sourwood, N. 3 $\frac{1}{2}$ E. 11 P. and 7 Links to a chestnut, S. 86 $\frac{1}{2}$ E. 6 P. to a stake on the Kirk line and with his lines 46 P. to a large spruce pine, S. 79 W. 32 P. to the Beginning, Containing 285-37/100 Acres.

Survey made about 1890.

D. B. 22 p. 195



December, 20th, 1904.

190

Received from

E.W. Pennington, Comr., etc.

Six and 58/100

Dollars.

as per the decree of the court entered on this day,
in the chancery cause of Patton Smyth et als. vs. Martha
B. Carmicle et als.

\$

J. H. T. Ewing, Clerk.

September ²⁵/₁₅ 1904

E W Pennington

Pay. to E. M. Pennington
Rebecca Skidmore part
of Patsy Graham Estate
i Albert Skidmore

\$65.80.

Received from E.W.Pennington, Commissioner in the chancery cause of Patton Smyth et al, Vs. Martha B.Carmical et als (\$65.80) Sixty-five and 80/100 dollars, the share of Rebecca Skidmore out of the sale of the land of Martha B.Graham, the same having been assigned to me. If said Rebecca Skidmore or heirs or assigns should ever demand payment of said sum of the said E.W.Pennington, then I promise and bind myself to save harmless the said E.W.Pennington, and promise to pay her or her heirs any sum of money that any court may require the said E.W. Pennington, as such Commissioner to pay.

This the 25th, day of October, 1904.

E. W. Pennington

Patten Smith et al
vs
Martha B. Carmichael et al } In Chancery

\$15⁰⁰-

Rec'd. of E. H. Pennington Cash &c
in the above styled cause fifteen
dollars, legal attys. fee.

This March 13th 1903

Pennington Bros & G.

\$19.11

Retained out of sales as
Commissioners \$19.11 -

This March 13th 1903

E. H. Pennington Cash &c.

\$11⁰⁰-

Rec'd. of E. H. Pennington Cash &c.
in the above styled cause Eleven
dollars my fee in said cause
This March, 13th 1903

A B Munsey Clerk

\$5⁰⁰-

Rec'd. of E. H. Pennington Cash &c
in the above styled cause
five dollars G. A. L. fee. This
March 13th 1903.

Robert Pennington Secy. Tr of
Insurance Institute, Assignee of M. G. Ely -

\$6.60

Rec'd. of E. W. Pennington Court, in
the Chancery cause above styled of
Six & ⁶⁰/₁₀₀ dollars - for order of
publication therein -
This March, 13th 1903.
C. S. Cox & C. A. Sprinkle

\$5⁰⁰

Rec'd. of E. W. Pennington Court
in the above styled cause five
dollars my fees as sheriff.
This March, 13th 1903.
D. B. Byington D. S.

\$2.50

Rec'd. of E. W. Pennington Court
in the above styled cause Two
& ⁵⁰/₁₀₀ dollars. my fees as sheriff.
March, 13th 1903.
E. S. Evans D. S.

\$0.50

Rec'd. of E. W. Pennington Court,
in the above styled cause fifty
cents my sheriff's fees.
March, 13th 1903.
J. P. Hall D. S.

#100

Rec'd. of E. H. Pennington cover in
the above styled cause Our
dear, my friends there -
March 12th 1903

B. M. Morgan, Clerk



Feb. 28th, 1903.

Received from E. H. Pennington Cour.
in the case of Patton Smith & al
Martha B. Leemichael it also Eight Dollars.

My fee for acting as Cour. in the
division of the Mary Ferguson land

\$8.00

W. J. Jackson

EVERETT WADDEY CO. RICHMOND, VA.

18⁰⁰

Rec'd. of E. H. Pennington Cour.
in the above styled cause Eight
Dollars my fee as surveyor
this March, 13th 1902.

W. E. Thompson.

\$6.00

Rec'd. of E. H. Pennington Cour.
in the above styled cause Six
Dollars my fee as Cour. in
dividing the Graham Tract
March, 13th 1902.

M. R. Kirk

#6⁰⁰

Recd. of E. W. Pennington Court.
in the above styled cause Six
dollars my fee as Court in
said cause

This March, 13th 1903.

Richard L Kirk

By M B Kirk

#3⁰⁰

Recd. of E. W. Pennington Court.
in the above styled cause
Three dollars my fee as
Chain carrier in said cause.
March 13th 1903.

#2⁵⁰

Recd. of E. W. Pennington Court. in
the above styled cause Two & ⁵⁰/₁₀₀
dollars. my fee as Chain
carrier in said cause.

March, 13th 1903.

J. M. [unclear] & [unclear]
[unclear]

Witness

Simpson James

Mr E. W. Lemington
You. Please Pay Andy Burgin
that \$1.50 Due me

J. Simp Burgin
Recd payment 3/13/1913
Andy Burgin

#65.80

Recd. of E. H. Pennington cash in
the above styled cause Sixty-five
+ ⁸⁰/₁₀₀ dollars, my share in the
proceeds of the sale of the Martha
B. Graham. This March, 13th 1903

Teste:

Jas. M. Durham.

James ^{his} Pennington, Em.
mark

#65.50

Recd. of E. H. Pennington cash,
in the above styled cause Sixty-
five + ⁵⁰/₁₀₀ dollars my share in
the proceeds of the sale of the
Martha B. Graham land. This
March, 13th 1903.

Henry J. Morgan

~~#65.80~~
\$1.50

Recd. of E. H. Pennington cash
in the above styled cause One
and ⁵⁰/₁₀₀ dollars my fee
as chain carrier thereon -
This March, 13th 1903.

J. Simpson. Burgess

#6.58

Rec'd. of E. St. Pennington Cour.
in the Chancery cause of Patton Smith
et al vs. Martha B. Learmishall et al
Six & ⁵⁸/₁₀₀ dollars, my share of the
sale of the Martha B. ~~Learmishall~~^{Graham}
land. This March, 13th 1903.

David M Pennington

#6.58

Rec'd. of E. St. Pennington Cour.
in the above styled cause Six and
⁵⁸/₁₀₀ dollars, my part of the sale
of the Martha B. Graham Tract
of land. This March 13th 1903.

J J Pennington

#65.80

Rec'd. of E. St. Pennington Cour.
in the Chancery cause of Patton
Smith et al vs. Martha B
Learmishall et al Sixty-



Noting
W. H. Cunningham

April 6,

1903 No.

\$6.58

Received of E. H. Cunningham, Cashier -
Six & 58/100 Dollars

My order of proceeds of sale of Patsey Johnson land, sold
in Chancery Court of Fulton District v. Mathis Bernhardt et al.

Attest
H. x Balin
Notary

five & ⁸⁰/₁₀₀ dollars, my part
of sale money for the
Martha B. Graham tract
of land this March 13th 1903
E. M. Pennington

\$65.80

Rec'd. of E. M. Pennington Cash
in the case of Patton Smith et al
vs. Martha B. Carmichael et al
Sixty-five & ⁸⁰/₁₀₀ - the share
of Jane Skidmore in the sale
money for the Martha B.
Graham land, the same having
been deeded to me by her. If
she should ever come on to said
Court Pennington for said money
I promise to defend the same
and pay her any money
that may be required to be
paid her on account of said
sale of said land. This
May 1st 1903 E. M. Pennington

Dutton Smith & Co

Receipts

Martha B. Leavick

\$6.58

Recd. of E. H. Pennington
Court in the Shavers
Cause of Patton Smyth
et al vs. Martha B.
Karnishal et al. Six
and ~~50~~⁵⁸ dollars, my
share of the sale money
for the Martha B. Graham
tract of land

This March 20th 1903

Martha A. A.



May, 7th 1903.

190

Received from E.W. Pennington, comr. in the
chancery cause of Martha B. Cramicle et als, ads. Patton Smith et als

Six and 58/100.

Dollars.

For my share of the sale money of the lands of Martha B.
Graham decd. lying and being in the Pocket country in Lee
County, Virginia.

\$

Rachel. Turner



May, 7th 1903.

190

Received from E.W. Pennington comr. in the
chancery cause of Patton Smith et als vs. Martha B. Carmical
et als,

Six and 58/100^{ths}.-----

Dollars.

My share of the sale money of the lands of the late Mar-
tha B. Graham decd. lying in the Pocket country in Lee County
Virginia.

\$

\$6.58.

Polly. Brandy.

Erie Kan.

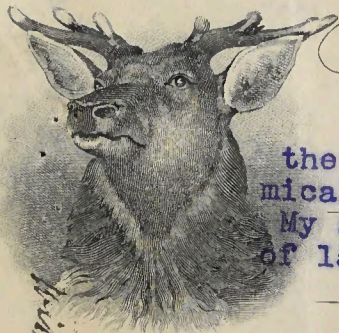
May 17th 1903

Mr E. W. Pennington sir yours
to hand of May 7th containing
receipts for shares of Polly Bundy &
Rachel Fleenor for their sig-
natures for their part in the Test
of Martha B. Graham decd, enclosed
find receipts signed by them.

please send both shares to Polly
Bundy Savonsburg. Kan.

Send post office money order
both shares in one order to
Polly Bundy Savonsburg Kan

Polly Bundy
Rachel Fleenor



May, 7th., 1903.

190

Received from E.W. Pennington, comr, In the
the chancery cause of Patton Smith et als. Vs. Martha B. Car-
mical et als, Six and 58/100.
My share of the sale money of the Martha B. Graham tract
of land, lying in the Pocket country.

Dollars.

Witness

J. S. Wise

Elizabeth ^{H.W.} + Green.
mark



May, 1st., 1903.

190

Received from E.W. Pennington, Comr, in the
Chancery cause of Patton Smith at al. Vs. Martha B. Carmical et al

Six and 58/100

Dollars.

My share of the sale money of the Martha B. Graham tract of
land, sold in said cause to Kirks.

\$

E. W. Pennington

May, 1st., 1903.

190



Received from E.W. Pennington Comr. in the
chancery cause of Patton Smith et als. Vs. Martha B. Carmichael et al

Six and 58/100. -----
my share of the sale money of the Martha B. Graham land.

Dollars,

\$

Charles Pennington

LAND SALE!

Patton Smith et al

VS

Martha B. Leammichale et al

IN CHANCERY.

To carry out the decree entered in the above styled pending cause, on the 5th day of Nov., 1902 ~~189~~, now in the Circuit Court of Lee County, I will proceed at the front door of Lee courthouse on the 19th day of January 1903 ~~189~~ and at public out-cry, to the highest bidder, to sell the following described property, to-wit:

~~or enough thereof to pay a~~ and the costs of this suit and the commissions of sale. ~~upon the following terms, to wit:~~ Enough cash to pay cost and commission, and the remainder in two equal installments due in one & two years from the date of sale. The purchaser will be required to execute bonds bearing interest from the date of sale with good personal security.

E. H. Huntington

Special Commissioner.

This 5th day of December ~~January~~ 1902 ~~189~~.

In the Clerk's Office of the Circuit Court of the County of
Lee

Patton Smith et al
against

Plaintiff

In Chancery

Martha B. Larnicle et al

Defendant

This day R. L. Permington personally appeared
before me A. B. Munsey Clerk of the said Court,

and being duly sworn, made oath that Polly Bundy and Rachel Fleenor

defendants in the said suit are not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this 24th day of Sept 1902.

A. B. Munsey Clerk

Patton Smith et als

vs.

{

AFFIDAVIT FOR ORDER

OF

PUBLICATION.

Martha B Carmichael ^{et als}

Pennington Bros p. q.

Filed Sept 24th 1902

A. B. Mursey Clerk

In the Clerk's Office of the Circuit Court of the County of
Lee on the 24th day of September 1902.

Patton Smith et al
against

PlaintiffS

In Chancery

Martha B. Lammicael

DefendantS

The object of this suit is to partition the real estate of Mary A Burgan,
among her heirs, and the real estate of Patsy Graham
if it can be done, and if not without prejudice to
sell her estate and divide the proceeds among those
entitled to the same

And an affidavit having been made and filed that the defendants Rachel Fleenor, Polly Bundy, Martha
B. Lammicael, Rebecca Skidmore, Jane Skidmore, and the unknown heirs of
A. J. Pennington
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the South-West
Virginian, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Pennington Brothers p. q.

A. B. Mansury Clerk.

Patton Smith et al

vs. {

ORDER OF
PUBLICATION.

Martha B. Carmichael et al

Virginia Lee County to-wit;

I A.B. Munsey Clerk of the Circuit court for Lee County do hereby
certify that I posted a true copy of the within order of publica-
tion at the front door of the Court-house on the first day of
court
the October term of the County of said County.

Given under my hand this the *20th* day of October 1902.

A B Munsey Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Martha B. Carmichael, Cleveland Burgan, (infant) Elbert Burgan (infant) J. S. Burgan, Reese Burgan, (infant) Lilly Burgan (infant) Ida Burgan, (infant) James Pennington Sr. H. J. Morgan, E. M. Pennington, Wm. Pennington, Rebecca Skidmore, Jefferson Pennington Chas. Pennington, David Pennington, Elizabeth Green, Martha Noe (wife of A. W. Noe) Nancy Bolin (wife of Boss Bolin) James Pennington Rachel Fleenor, Polly Bundy, and the unknown heirs of A. J. Pennington

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 3rd Monday in October, 1902, to answer a bill in chancery exhibited against them in our said court by

Patton Smith, Lela Linda Smith, L. M. Burgan, Andrew P. Burgan, Auburn P. Burgan, Virginia Wheeler, and Rachel Wheeler

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 24th day of September, 1902, and in the 127th year of the Commonwealth.

A. B. Munsey, Clerk.

Serve Copies on
 James Pennington, Jr.
 H. J. Morgan
 E. M. Pennington
 Jeff Pennington
 Lehas Pennington
 David Pennington
 Martha Noel
 Nancy Bolin
 Elizabeth Green
 James Pennington, Jr.
 James

Patton Smith et al

vs. { SUBPOENA
 IN CHANCERY.

Martha B. Loarnica et al

Pennington Bros p. q.

To 2nd October Rules.

1902. Circuit Court.

Requested Oct 18 - 1902.
 by delivering a true copy of the
 writ with summons to the
 parties who are
 Residents of the State of Va
 D. B. Pennington J. S.
 for W. G. Milburn & Co

Requested on Oct. 18th 1902 by delivering a
 true copy of the writ with summons to each
 of the following persons, James Pennington &
 James Pennington, Jr. H. J. Morgan, E. M.
 Pennington, Jeff Pennington, Lehas Pen-
 nington, David Pennington, Martha Noel,
 Nancy Bolin, Elizabeth Green, James
 Pennington, Jr. James
 D. B. Pennington J. S.
 for W. G. Milburn & Co

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Martha B. Wheeler, Cleveland Bur-
gan, (infant) Elbert Burgan (infant) J. S. Burgan, Reese Burgan (infant) Lilly
Burgan (infant) Ida Burgan (infant) James Pennington sr, H. J. Morgan, E. M.
Pennington, Wm, Pennington, Rebecca Skidmore, Jefferson Pennington, Chas
Pennington, David Pennington, Elizabeth Green, Martha Noe Wife of A. W.
Noe) Nancy Bolin, wife of (Bos Bolin) James Pennington Jr, Rachel Fleenor
Polly Bundy, and the unknown heirs of A. J. Pennington,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October, 1902, to answer a

bill in chancery exhibited against them in our said court by
Patton Smith, Clarinda Smith, L. M. Burgan, Andrew P.
Burgan, Auburn P. Burgan, Virginia Wheeler and
Rachel Wheeler

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 127th
year of the Commonwealth.

A. B. Munsey, Clerk.

Serve Copies on
Wm Pennington
J. S. Burgan
C. M. Burgan
Martha B Carmichael
C. M. Burgan
Rebecca Skidmore

Evans

Patton Smith et al

vs. { SUBPOENA
IN CHANCERY.

Martha B. Carmichael et al

Pennington Bros. p. q.

To 2nd October Rules.

1902. Circuit Court.

Executed Oct 11th 1902
by Delivering a true
copy of the within
Summons To Wm
Pennington C. M.
Burgin and J. S. Burgin
as to Martha B. Carmichael
and Rebecca Skidmore
not found Ed Evans
for W. J. McMahon & Co

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Martha B. Carmichael, Cleveland
Burgan (infant) Elbert Burgan (infant) J. S. Burgan, Reese Burgan (infant)
Lilly Burgan (infant) Ida Burgan (infant) James Pennington sr, H. J. Morgan
E. M. Pennington, Wm, Pennington, Rebecca Skidmore, Jefferson Pennington,
Chas. Pennington, David Pennington, Elizabeth Green, Martha Noewwife
of A. W. Noe) Nancy Bolin wife of (Bos Bolin) James Pennington jr, Rachel
Fleenor, Polly Bundy, and the unknown heirs of A. J. Pennington,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3rd Monday in October, 1902, to answer a
bill in chancery exhibited against them in our said court by

Patton Smith, Clarinda Smith, L. M. Burgan, Andrew P.
Burgan, Auburn P. Burgan, Virginia Wheeler and
Rachel Wheeler

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 127th
year of the Commonwealth.

A. B. Munsey, Clerk.

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To Rules.

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Martha B Carmicael, Cleveland
Burgan, (infant) Elbert Burgan (infant) J.S. Burgan. Reese Burgan, (infant)
Lilly Burgan (infant) Ida Burgan (infant) James Pennington, H.J. Morgan
E.M. Pennington, Wm, Pennington, Rebecca Skidmore, Jefferson Pennington,
Chas Pennington, David Pennington, Elizabeth Green, Martha Noe wife of
(A.W. Noe) Nancy Bolin wife of (Bos Bolin) James Pennington Jr, Rachel
Fleenor, Polly Bundy, and the unknown heirs of A.J. Pennington,
to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be
held for the said court, on the 3^d Monday in October, 1902, to answer a
bill in chancery exhibited against Them in our said court by
Patton Smith, Clarinda Smith, L.M. Burgan, Andrew
P Burgan, Auburn P Burgan, Virginia Wheeler,
and Rachel Wheeler,

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court,
at the court-house, the 24th day of September, 1902, and in the 12⁷th
year of the Commonwealth.

A.B. Munsey, Clerk.

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To Rules.

Court.

**CERTIFICATE OF
ORDER OF PUBLICATION.**

We, C. S. Cox and C. R. Sprinkle,
Editors of the SOUTHWEST VIRGINIAN,
a weekly newspaper published at Jones-
ville, Lee county, Virginia, do hereby
certify that the annexed notice was
published in said paper once a week
for four successive weeks, commenc-
ing on the 2nd day of

October 1902.

C. S. Cox,

C. R. Sprinkle

EDITORS.

FEE, \$ 6.60.

Order of Publication.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee on

24th day of September, 1902.

Patton Smith et als. Plffs. }

Vs.

Martha B. Carmiceal
et als. } Defts. }

In Chancery.

The object of this suit is to partition the
real estate of Mary A. Burgan among
her heirs, and the real estate of Patsy
Graham if it can be done, and if no
without prejudice to sell her estate and
divide the proceeds among those enti-
tled to the same. And an affidavit hav-
ing been made and filed that the defend-
ants, Rachel Fleenor, Polly Bunday,
Martha B. Carmiceal, Rebecca Skid-
more, Jane Skidmore; and the unknown
heirs of A. J. Pennington are not
residents of the State of Virginia, it
is ordered that they do appear here within
fifteen days after due publication hereof
and do what may be necessary to protect
their interest in this suit. And it is further
ordered that a copy hereof, be published
once a week for four weeks in the South-
west Virginian, and that a copy be posted
at the front door of the court-house of this
county on the first day of the next term of
the County Court.

A copy—Teste:

A. B. MUMSEY, Clerk.

Pennington Bros. P. O. 9 25 4t

Patton Smith et al
vs. John C. Cuy.
Martha B. Curdick

Patton Smyth et al

vs } Bill.

Martha B. Carmichael
 1902 2nd Oct rules bill filed
 Spa executed on home
 debts & O.P. for non residents
 D.N. & Confd

1902 1st Nov rules held the
 last Monday in Nov
 D.N. Confd O.P. Complete
 & Cause set for hearing

atty. fee	\$13.00
H.A.L.	3.00
Shriff	8.00
Tax	1.30
Pub.	6.60
clerk	9.03
Estimated	5.00
Co Clerk	1.00
	\$51.13
comrs -	35.00
Coms	19.00
	\$70.13
Co Clerk	4.00

Decree final

Dec. 9, 1904

Sold the Martha B.
 Carmichael tract to
 J. B. Smith for
 \$22.00
 1/19/1905
 J. B. Smith